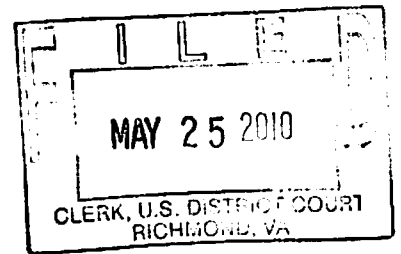


FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ePLUS, INC.,

Plaintiff,

v.

Civil No. 3:09cv620

LAWSON SOFTWARE, INC.

Defendant.

ORDER

For the reasons set forth on the record on May 24, 2010, it is hereby ORDERED that the Plaintiff's MOTION TO STRIKE (Docket No. 212) is granted in part and denied in part as follows:

- (1) the motion is granted with respect to the Baxter Healthcare references;
- (2) the motion is granted with respect to the DynaText, InnerView, and Prism "Catalog Databases and Search Engines" references;
- (3) the motion is granted with respect to new invalidity theories under Section 101;
- (4) the motion is denied as moot with respect to the Doyle Patent;
- (5) the motion is denied as moot with respect to the SABRE references;

(6) the motion is denied with respect to the new references (the Lawson V.5 and V.6 Systems) related to the Court's construction of "means for searching for matching items in the database";

(7) with respect to the new references (the Lawson V.5 and V.6 Systems) related to the Court's construction of "means for building a requisition using data relating to selected matching items and their associated sources," the Defendant did not meet its burden of showing that the Markman hearing changed the case to the extent that the new references should be allowed. However, notwithstanding the ruling from the bench, the Defendant will be afforded an opportunity to make such a showing and, therefore, the Court reserves judgment on this issue. The showing on the issue shall be made in a brief not to exceed five (5) pages to be filed by May 28, 2010, to which the Plaintiff may respond by June 4, 2010. No other issue may be addressed by the Defendant and, if this provision is

violated, the brief will be stricken; and  
(8) with respect to the new documents related to  
J-Con and Gateway, the Court reserves  
judgment; and

It is so ORDERED.

/s/ REP  
Senior United States District Judge

Richmond, Virginia  
Date: May 25, 2010